

**NOT FOR PUBLICATION**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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ANTHONY CHARLES BAILEY,	:	Civil Action No. 12-7775 (JBS)
	:	
Plaintiff,	:	
	:	
v.	:	<b><u>MEMORANDUM OPINION</u></b>
	:	
ATLANTIC COUNTY JUSTICE	:	
FACILITY, MAIL ROOM,	:	
	:	
Defendant.	:	

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Plaintiff submitted a civil complaint ("Complaint"), executed pursuant to 42 U.S.C. § 1983 [Docket Item 1], and it appearing that:

1. The Clerk will not file a civil complaint unless the person seeking relief pays the entire applicable filing fee in advance or applies for and is granted in forma pauperis, status under 28 U.S.C. § 1915. See Local Civil R. 5.1(f).

2. The filing fee for a civil rights complaint is \$350.00.<sup>1</sup> See 28 U.S.C. § 1914(a).

3. If a prisoner seeks permission to file a civil rights complaint in forma pauperis, the Prison Litigation Reform Act ("PLRA") requires him/her to file an affidavit of poverty and a certified prison account statement for the six-month period

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<sup>1</sup> The Complaint indicates Plaintiff's erroneous impression that the filing fee is \$120.00. [Docket Item 1 at 2.]

immediately preceding the filing of the complaint.<sup>2</sup> See 28 U.S.C. § 1915(a)(2).

4. Plaintiff is a prisoner [Docket Item 1, at 3]; he failed to prepay his filing fee, and he did not submit his certified six-month prison account statement. [Docket Item 1-1.] This case cannot proceed due to these failures, and it will be administratively terminated. Therefore, Plaintiff shall submit his filing fee of \$350.00 or his certified six-month account statement in order to reopen this docket.

An appropriate Order accompanies this Memorandum Opinion.

s/ Jerome B. Simandle  
JEROME B. SIMANDLE  
Chief Judge  
United States District Court

Dated: **January 4, 2013**

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<sup>2</sup> The PLRA further provides that, if the prisoner is granted permission to file the complaint in forma pauperis, then the Court is required to assess the \$350.00 filing fee against the prisoner and collect the fee by directing the agency having custody of the prisoner to deduct installment payments from the prisoner's prison account equal to 20% of the preceding month's income credited to the account for each month that the balance of the account exceeds \$10.00. See 28 U.S.C. § 1915(b). In addition, if the prisoner is granted permission to proceed in forma pauperis, then the PLRA requires this Court to screen the complaint for dismissal and to dismiss any claim that is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from an defendant who is immune from such relief. The PLRA further provides that, if a prisoner has, on three or more occasions while incarcerated, brought an action or appeal in a federal court that was dismissed as frivolous or malicious, for failure to state a claim upon which relief may be granted, or because it seeks monetary relief from immune defendants, then the prisoner may not bring another action in forma pauperis unless he or she is in imminent danger of serious physical injury. See 28 U.S.C. § 1915(g).